IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY SEVENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 24261 of 2004

Between:

K.C.Narasimha Reddy S/o.K.C.Narayana Reddy
Kandurparthy, Chilamathur (M),
Anantapur Dist.

..... PETITIONER

AND

1 The Joint Collector Anantapur Dist.
2 The Revenue Divisional Officer Penukonda,Anantapur Dist.
3 The Mandal Revenue Officer Chilamathur Mandal, Anantapur Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 1st respondent in not passing the orders on appeal filed by the petitioner in appeal in Rc.No.K4/1526/2004, dt 21-12-2004 filed against the order of the 2nd respondent in Rc.No.1942/04 E, dt 9-12-2004, as illegal, arbitrary and improper and consequently set-aside the proceedings of the 2nd respondent in Rc.No.1942/04 E, dt 9-12-2004, and pass such other order or orders.

Counsel for the Petitioner:MR.K.SRINIVAS

Counsel for the Respondent No.1 to 3: GP FOR CIVIL SUPPLIES

The Court at the stage of admission made the following ORDER:

Petitioner is a fair price shop dealer. He was issued a show cause notice dated 04.11.2004 directing him to explain as to why his authorization shall not be cancelled. As many as four charges were framed against him. The petitioner submitted his explanation on 16.11.2004. Taking the same into account, the second respondent passed an order dated 09.12.2004 suspending the authorization of the petitioner. The petitioner claims to have preferred an appeal against the order of suspension, together with an application for grant of stay, before the first respondent. His grievance is that the first respondent has not passed any order so far either in the appeal or in the stay petition and seeks appropriate directions in this regard.

Heard learned counsel for the petitioner and learned Government Pleader for Civil Supplies.

The second respondent appears to be in a state of confusion, in the process of taking various steps against the petitioner. He has issued a show cause notice dated 04.11.2004 directing the petitioner to explain as to why his authorization shall not be cancelled. The petitioner responded to the same. However, after considering the explanation submitted by the petitioner, the second respondent has chosen to issue a suspension order-cum-show cause notice on 09.12.2004. Having suspended the authorization, he directed the petitioner to explain as to why his dealership shall not be cancelled. When the show cause notice dated 04.11.2004 itself was for cancellation, it is ununderstandable, as to

the necessity of issuing a further show cause notice. The impugned order was passed after considering the explanation offered by the petitioner. Still it was termed as suspension order-cum-show cause notice.

These, however, are the matters, which need to be taken in to account by the appellate authority. This Court is not inclined to interfere with the same, at this stage.

Hence, the writ petition is disposed of directing the first respondent to pass appropriate orders in the appeal or the stay petition, as the case may be, filed by the petitioner. No order as to costs.

27.12.2004

ksld

To

1 The Joint Collector Anantapur Dist.
2 The Revenue Divisional Officer Penukonda,Anantapur Dist.
3 The Mandal Revenue Officer Chilamathur Mandal, Anantapur Dist.

4 Two CCs. to the G.P. for Civil Supplies, High Court of A.P.,

Hyderabad (OUT)

5 Two CD copies.